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IN THE UNITED STATES DISTRICT COURT
 FOR THE DISTRICT OF OREGON

DENISE and KENNETH COOK,)	
)	
Plaintiffs,)	Case No. 10-cv-3121-PA
)	
vs.)	DEFENDANT SHAPIRO &
)	SUTHERLAND, LLC'S OPPOSITION
BENEFICIAL OREGON, INC. and)	TO PLAINTIFF'S MOTION FOR
SHAPIRO & SUTHERLAND, LLC)	SUMMARY JUDGMENT
)	
)	
Defendants.)	

I. INTRODUCTION

The plaintiff in their Motion for Summary Judgment make no claims against or allege any improprieties with respect to any action taken by Defendant Shapiro Sutherland, LLC respect to the non-judicial foreclosure. The following facts are not in dispute with respect to Defendant Shapiro & Sutherland, LLC; all necessary statutory steps were carried out by the successor trustee with respect to the foreclosure on the Plaintiff's Property. The Plaintiffs have failed to demonstrate a right to recover on their claim against Shapiro & Sutherland, LLC as matter of law.

II. SUMMARY OF ARGUMENT

The Plaintiffs do not specifically address or raise any claims against Defendant Shapiro & Sutherland, LLC. It is not clear if the Plaintiffs are seeking summary judgment against Defendant Shapiro & Sutherland, LLC. To the extent the Plaintiff are seeking summary judgment against Defendant Shapiro & Sutherland, LLC, their claim could only arise from Defendant's action in conducting the Trustee's sale. Plaintiff sole claim was that the Defendant's agent failed to appear and continue the Trustee's Sale on December 17, 2010. Plaintiff's claim was not support any evidence and was directly contradicted evidence filed with the Court. *See Declaration Vena Sen-Crowe and Supplemental Declaration of Richard Magatelli.* No reasonable fact finder would find for Plaintiff based of the evidence before the Court. Defendant's

III. CONCLUSION

It is clear from the evidence before the Court, that subject Trustee's Sale was properly conducted. Plaintiff's Motion for summary judgment should be denied.

Dated this 13th day of April, 2011.

/s/ Kelly D. Sutherland
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